IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

ARBITRATION PETITION NO. 43 OF 2004

Gati Limited. .. Petitioner

Vs.

M/s. Crescendo Music Pvt. Ltd. .. Respondent

Ms. Shilpa Kapil for Petitioner.
Ms. Falguni Thakkar i/b Rustamji & Ginwala for respondent.

CORAM : B. H. MARLAPALLE,J.

Date : February 24, 2006.

P.C.:

1. Heard Ms. Shilpa Kapil the learned counsel for the petitioner.

2. This is an application for the appointment of sole arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. The respondent has filed affidavit in reply and while explaining the pendency of Company Petition No.183 of 2004 for winding up as well as the precarious financial condition has consented for an Advocate being appointed as the sole Arbitrator but on the condition that the fees of the arbitration proceedings shall be borne by the petitioner. The learned counsel for the petitioner does not agree to the proposal that it should bear the arbitration fees entirely and she referred to the provisions of Section 38 of the Act in this regard.

3. By consent of the parties Miss. Ferzana Behramkamdin, an Advocate from M/s. F.Z.B. and Associates is hereby appointed as the sole Arbitrator. The parties shall appear before the sole Arbitrator within a period of three weeks from today and further terms of the arbitral proceedings including fees etc. shall be finalised before the Arbitrator.

4. Petition is disposed off accordingly. A copy of this order be forwarded to Miss. Ferzana Behramkamdin forthwith.

(B.H. Marlapalle, J.)